

RECEIVED  
CENTRAL FAX CENTER

JAN 16 2007

## REMARKS

The Examiner is thanked for the indication that claims 23, 25-26, and 28-38 are allowable over the prior art of record subject to claims 25 and 28 overcoming the objection to them.

Claims 1, 5-8, 13-23, 25, 26, and 29-40 are pending in the application. Claims 1, 13, 20, 23, 29, 33, 36, and 39 are independent. By the forgoing Amendment, Applicants seek to amend claims 1, 13, 20, 25, and 39 and cancel claim 28. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to Claims 25 and 28

In the Office Action, the Examiner objected to claims 25 and 28 as being of improper dependent form. By the foregoing Amendment, Applicants have amended claim 25 to accommodate the Examiner and have canceled claim 28 to render the objection moot. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 25 and 28.

Rejection of Claims 1, 5-8, 11-22, and 39-40 Under 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 1, 5-8, 11-22, and 39-40 under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Examiner states that "signals per se are not statutory subject matter, have no tangible physical structure, and do not perform any useful, concrete, and tangible result" and "[w]ith respect to claim 1, the method/article of manufacture machine operation does not produce a tangible result. It is unclear how the result is being stored, displayed, or used in any tangible manner." Applicants respectfully traverse the rejection.

MPEP §2106.II.A provides that in order for a claimed invention to be statutory, it must be a transformation of data providing a useful, tangible, and concrete result (citing *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368 (Fed. Cir. Jul. 23, 1998)). MPEP §2107.02.IV provides that to properly reject a claim under 35 U.S.C. §101, an Examiner must (1) make a *prima facie* showing that the claimed invention lacks utility and (2) provide a sufficient

4735.P005

Serial No. 10/665,970

- 8 -

Examiner: Bui, Bryan.

Art Unit: 2863

PAGE 13/15 \* RCVD AT 1/16/2007 4:12:18 PM [Eastern Standard Time] \* SVR:USPTO-EXRF-6/30 \* DNIS:2738300 \* CSID:2062928606 \* DURATION (mm:ss):02:20

evidentiary basis for factual assumptions relied upon in establishing the *prima facie* showing. Thus, in order for the Examiner to make out a *prima facie* case of lack of utility, the Examiner must show that the claims at issue are not a *transformation of data providing a useful, tangible, and concrete result*, and the Examiner must also support this showing with evidence.

By the foregoing Amendment, Applicants have amended claims 1, 13, 20, and 39 to recite language indicating transformation from one physical state to another. For example, claims 1 and 39 recite in pertinent part "*presenting the clock period* of the RF signal as a result of extracting the at least one timing parameter *to characterize the RF signal*" (emphasis added). Claim 13 recites in pertinent part "*presenting the time coordinates* for the local maxima and minima of the scale level 2 coefficients *to characterize the RF signal*" (emphasis added). Claim 20 recites in pertinent part "*presenting the time coordinates* for the local maxima and minima of the scale level 1 coefficients *to characterize the RF signal*" (emphasis added). As such, Applicants respectfully submit claims 1, 13, 20, and 39 now comply with MPEP §2106.II.A and are directed to statutory subject matter under 35 U.S.C. §101. Claims 5-8, 14-19, 21-22, and 40 properly depend from claims 1, 13, 20, and 39, respectively, are thus also directed to statutory subject matter. Accordingly, Applicants respectfully request the Examiner reconsider and remove the rejection to claims 1, 5-8, 11-22, and 39-40.

RECEIVED  
CENTRAL FAX CENTER

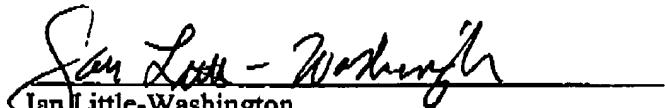
JAN 16 2007

**CONCLUSION**

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 1/16/2007

  
Jan Little-Washington  
Reg. No. 41,181  
(206) 292-8600

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date of Transmission January 16, 2007

Yuko Tanaka  
(Typed or printed name of person transmitting paper)

Y. Tanaka  
(Signature of person transmitting paper)